

# **EXHIBIT D**

From: Michele Mitchell  
Sent: Tuesday, April 20, 2021 5:30 PM  
To: Beth Garvey; Williams, Robert (GAMING)  
Cc: Justin Berhaupt; derosa; [Rob@odawilaw.com](mailto:Rob@odawilaw.com)  
Subject: Re: External: FW: Department of Interior -Secretarial Review

Beth,

As I have stated on several occasions, including during our initial conversation on settlement, well over a month ago during which you required that the Seneca Nation put forth a written settlement offer, the Nation would continue to explore its litigation options until a settlement was reached. This is what occurred with President Pagels requested Department of Interior review. Despite several meeting with Mr. Williams and Mr. Perino, and an updated settlement offer reflecting those discussion, the State has never presented a counter offer. Last week, I indicated that the Nation required a written response by Thursday, as the Second Circuit's mandate was scheduled to be issued this past Friday. Again the State did not reply.

The Seneca Nation has negotiated with this administration in good faith. We agree, however, that without a written counter offer from the State, additional negotiations at this time serve no useful purpose. Moreover, we ask again whether the State is willing to agree to jointly submit the Compact Arbitration decision to the Department of Interior for review. as requested.

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From: Beth Garvey <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_Beth.Garvey-40exec.ny.gov&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=BsZhz\\_cJn\\_iHZmcEhMWtfEezBCF\\_PnpdcHtCNiJCEE&m=mBOr8Oldl8yhTI1yn\\_7M4RBM7gEI3vvRffR\\_MK1opgs&s=u2BeWrm34X6c7hrR48u6l ypSj-UYLrpQiuK0SyGYDnE&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_Beth.Garvey-40exec.ny.gov&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=BsZhz_cJn_iHZmcEhMWtfEezBCF_PnpdcHtCNiJCEE&m=mBOr8Oldl8yhTI1yn_7M4RBM7gEI3vvRffR_MK1opgs&s=u2BeWrm34X6c7hrR48u6l ypSj-UYLrpQiuK0SyGYDnE&e=>)>  
Sent: Monday, April 19, 2021 5:17 PM  
To: 'Justin Berhaupt'; Michele Mitchell; derosa  
Cc: Robert Williams ([https://urldefense.proofpoint.com/v2/url?u=http-3A\\_gaming.ny.gov&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=BsZhz\\_cJn\\_iHZmcEhMWtfEezBCF\\_PnpdcHtCNiJCEE&m=mBOr8Oldl8yhTI1yn\\_7M4RBM7gEI3vvRffR\\_MK1opgs&s=Z8h3LYajmgs0wRBWlaeOa7gLQCZX91FSXkGkRKHCKl&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_gaming.ny.gov&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=BsZhz_cJn_iHZmcEhMWtfEezBCF_PnpdcHtCNiJCEE&m=mBOr8Oldl8yhTI1yn_7M4RBM7gEI3vvRffR_MK1opgs&s=Z8h3LYajmgs0wRBWlaeOa7gLQCZX91FSXkGkRKHCKl&e=>))  
Subject: External: FW: Department of Interior -Secretarial Review

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Michele, it is curious to me that this was filed with them over a month ago. I am unsure how to continue settlement conversations in light of this action.

What would you like us to focus on?

I will take direction from you, but I don't think we can proceed on parallel tracks here.

Await your answer.

Beth

From: Michele Mitchell <[michele.mitchell@sni.org](mailto:michele.mitchell@sni.org)<<mailto:michele.mitchell@sni.org>>>

Sent: Monday, April 19, 2021 3:47 PM

To: Garvey, Beth (CHAMBER) <[Robert.Williams@gaming.ny.gov](mailto:Robert.Williams@gaming.ny.gov)<<mailto:Robert.Williams@gaming.ny.gov>>>>  
Cc: Robert Odawi Porter <[rob@odawilaw.com](mailto:rob@odawilaw.com)<<mailto:rob@odawilaw.com>>>>  
Subject: Department of Interior -Secretarial Review

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Ms. Garvey and Mr. Williams,

Attached please find a Technical Assistance Letter issued by the Department of Interior on April 15, 2021, as well as a letter from President Pagels requesting that New York State consider submission of a joint request to the Secretary of Interior for review of the revenue sharing payment terms for the renewal term of the Nation-State Compact. We are requesting that we receive a response by Wednesday, April 21. I have included Mr. Robert Porter on this email. He has been retained by the Seneca Nation as Special Counsel on this matter, and so please address any response to both of us. Thank you for your time and consideration.

Michele Mitchell  
General Counsel  
Seneca Nation

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